

Ballynagran Landfill Ltd
Coolbeg Cross
Wicklow
Co. Wicklow

Mr. C Cuddy,
Office of Environmental Enforcement,
Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Date: 31st August 2011

Dear Mr. Cuddihy,

**Re: WL0165-02
Request for Technical Amendment of Waste Licence – Facility Boundary**

This submission represents a request by the licensee, Ballynagran Landfill Limited, to the Environmental Protection Agency (EPA) to make a Technical Amendment to a condition of the Waste Licence for the licensed non-hazardous waste landfill facility at Ballynagran, Coolbeg and Kilcandra, County Wicklow.

Greenstar Holdings Limited was granted a waste licence for a Non-Hazardous Waste Landfill on the 5th of September 2003 (Register Number W0165-01) which was subsequently revised following the issuing of a revised licence (W01650-2) on 23/3/2010. This licence was transferred on the 4th of March 2014 Licence from Greenstar Holding Ltd to Ballynagran Landfill Ltd. The licence is subject to 12 Conditions and seven schedules (Schedules A to G) covering, inter alia, the development, operation, management and monitoring.

The subject of this request is the facility boundary which the licensee seeks to have modified as per the details presented herein.

1. Introduction

In accordance with the section 42B of the Waste Management Act, 1996 (inserted by section 38 of the Protection of the Environment Act, 2003) the Agency may amend a waste licence for the purposes of:

- (a) *Correcting any clerical error therein,*
- (b) *Facilitating the doing of anything pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or*

- (c) *Otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 40(4) ceasing to be satisfied.*

Ballynagran Landfill Ltd. submits that Condition 1.2 of the Licence be amended which will fulfil the purpose of facilitating the operation of the licence.

We respectfully submit, for the Agency to decide, that the making of the amendments as proposed will not result in the relevant requirements of section 40(4) of the WMA, 1996 ceasing to be satisfied, namely:

- (4) *The Agency shall not grant a waste licence unless it is satisfied that—*
- (a) *any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,*
 - (b) *the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,*
 - (c) *the best available technology not entailing excessive costs will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,*
 - (d) *if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,*
 - (e) *the applicant has complied with any requirements under Section 53.*

2. Background Information on Compulsory Purchase Order

Permission for the development of the landfill facility was originally submitted in 2001 and, following successful planning and licensing processes, the landfill facility was developed and eventually opened in October 2006.

During the course of both processes (in 2004) Wicklow County Council served notice that it intended to compulsorily purchase lands at the south eastern extremity of the property for the purpose of a major road scheme which would be undertaken by the National Roads Authority. The Compulsory Purchase Order was confirmed by An Bord Pleanála in January 2005 and the subsequent Notice to treat was issued in May 2005.

In 2015 the development of the motorway and associated roads was completed resulting in a change to site entrance location, physical field boundaries and associated land titles amendments.

3. Proposed Technical Amendment

The current waste licence, W0165-02, applies to the lands as set out in Condition 1.2.

3.1 Condition 1.2

3.1.1 Current Wording

The current wording of this condition is:

For the purposes of this licence, the facility is the area of land outlined in red on Drawing No.2001-144-02-01. Rev. A entitled 'Proposed Site Layout Map including Landfill Phases' of the application. Any reference in this licence to "facility" shall mean the area thus outlined in red.

3.1.2 Proposed Amended Wording

The proposed amended wording of this condition is as follows:

For the purposes of this licence, the facility is the area of land outlined in red on Drawing No.03 Project 1899174 rev A, entitled 'Proposed Eastern Redline boundary and monitoring locations' accompanying the application for the subject Technical Amendment. Any reference in this licence to "facility" shall mean the area thus outlined in red.

3.1.3 Grounds for Amendment

Lands have been compulsorily purchased by Wicklow County Council and the construction of the motorway and associated roads completed, the requested Technical Amendment seeks to ensure that the lands so impacted by the CPO are removed from the licensed boundary.

At the time of the original development of the landfill facility in 2006 a boundary revision was envisaged due to the anticipated road improvement scheme/CPO therefore, the perimeter security fencing was erected along the proposed revised boundary. The fencing has always been in place in this location and will not change due to the proposed revision.

The proposed boundary change will not impact on the operation of the facility.

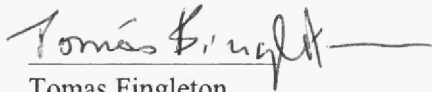
4. Proposal to Revise Environmental Monitoring Locations

In addition to requesting a revision to the licensed boundary of the facility it is further requested that consequent to a boundary revision there will be a requirement to change the locations of the monitoring points AD10 (dust), AD12 (dust) and NSL3 (noise).

Following the completion of the motorway works one dust monitoring location was temporarily installed, covering the eastern boundary area, titled as AD12. The noise monitoring location NSL3 was also moved and is now undertaken near properties on the opposite side of the motorway, locations are as presented on drawing No.01 rev A Project 1899174, entitled 'Existing redline boundary and monitoring locations'. It is proposed with the amended boundary, that AD12 will be moved inside the redline boundary on the eastern side closer to the landfill operations and NSL3 will remain as currently placed, as presented in drawing No.03 Project 1899174 rev A, entitled 'Proposed Eastern Redline boundary and monitoring locations'.

We trust the Agency will look favourably upon this request for amendment of Waste Licence W0165-02. Should require any further information please do not hesitate to contact myself.

Yours sincerely,



Tomas Fingleton

For and on behalf of Ballynagran Landfill Ltd.

Enclosures:

Drawings:

- Existing Facility Boundary
 - Drawing No. No.2001-144-02-01. Rev. A - 'Proposed Site Layout Map including Landfill Phases'
- Existing Facility Boundary and Current Monitoring Locations
 - *Drawing No.01 rev A Project 1899174, entitled 'Existing redline boundary and monitoring locations'.*
- Proposed Facility Boundary and Monitoring locations
 - *Drawing No.03 Project 1899174 rev A, entitled 'Proposed Eastern Redline boundary and monitoring locations'.*